

RECEIVED
CENTRAL FAX CENTER

MAY 24 2004

FOLEY

FOLEY & LARDNER LLP
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CA 92136-0278
TELEPHONE: 619.647.6700
FACSIMILE: 858.792.6770
WWW.FOLEY.COM

OFFICIAL

FACSIMILE TRANSMISSION

Total # of Pages 5 (including this page)

TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Examiner: David S. Romeo Art Unit: 1647	(703) 308-1202 <i>(571) 272-0890</i>	(703) 872-9306

From : Stephen E. Reiter *59*

Date : May 24, 2004

Client/Matter No : 068904-0302

User ID No : 1877

MESSAGE:

Re: U.S. Patent Application No. 09/005,318
Our Ref.: EPI3004B (068904-0302)

Attached please find:

- Notice of Appeal (2 pgs.); *Duplicate Copy Attached*
- Notice of Appeal Fee;
- Request for two-months extension of time;
- Authorization to charge Deposit Acct. No. 50-0872 in the amount of \$375.00.

If there are any problems with this transmission or if you have not received all of the pages, please call

Operator:	Time Sent:	Return Original To: Germaine Sarda
-----------	------------	---------------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. EPI3004B
(068904-0302)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mitch B. Hein et al.
Title: NOVEL EPITHELIAL TISSUE
TARGETING AGENT
Appl. No.: 09/005,318
Filing Date: 1/9/1998
Examiner: D. Romeo
Art Unit: 1646
Confirmation 2353
No.:

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Germaine Sarda (Printed Name)	
 (Signature)	
May 24, 2004 (Date of Deposit)	

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals from the decision of the final rejection dated December 22, 2003, of the Examiner finally rejecting Claims 42-70.

Applicant claims small entity status.

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Notice of Appeal Fee

To be paid as detailed below

Atty. Dkt. No. EPI3004B
(068904-0302)

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$330.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$420.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$750.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):	\$375.00
	TOTAL FEE:	\$375.00

- Please charge Deposit Account No. 50-0872 in the amount of \$375.00. A duplicate copy of this transmittal is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date May 24, 2004

By Steph E.

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

Atty. Dkt. No. EPI3004B
(068904-0302)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitch B. Hein et al.
 Title: NOVEL EPITHELIAL TISSUE
 TARGETING AGENT
 Appl. No.: 09/005,318
 Filing Date: 1/9/1998
 Examiner: D. Romeo
 Art Unit: 1646
 Confirmation No.: 2353

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<u>Germaine Sarda</u> (Printed Name)	
<u>Germaine Sarda</u> (Signature)	
May 24, 2004 (Date of Deposit)	

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
 OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals from the decision of the final rejection dated December 22, 2003, of the Examiner finally rejecting Claims 42-70.

- Applicant claims small entity status.
- Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- Notice of Appeal Fee
- To be paid as detailed below

Atty. Dkt. No. EPI3004B
(068904-0302)

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$330.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$420.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$750.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$375.00
	TOTAL FEE:	\$375.00

- Please charge Deposit Account No. 50-0872 in the amount of \$375.00. A duplicate copy of this transmittal is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date May 24, 2004

By Steph E.

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192